Supreme Court of the United States
No. 25-142
United States, Petitioner
v.
Jane Doe, Respondent
On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit
Decided: June 30, 2026

SYLLABUS

This case concerns a constitutional challenge to a 2025 executive order issued by the Department of Homeland Security (DHS), which denies birthright citizenship to children born in the United States to undocumented immigrants, asserting that such children are not “subject to the jurisdiction” of the United States under the Fourteenth Amendment’s Citizenship Clause. Respondent Jane Doe, a U.S.-born child of undocumented parents, challenged the order, arguing it violates the Fourteenth Amendment. The U.S. Court of Appeals for the Ninth Circuit struck down the order, and the Supreme Court granted certiorari. In a 6-3 decision, the Court affirms the Ninth Circuit’s ruling, holding that the Fourteenth Amendment’s Citizenship Clause guarantees birthright citizenship to all persons born on U.S. soil, regardless of their parents’ immigration status, as long as they are subject to U.S. legal jurisdiction. The majority finds that the DHS order contradicts the plain text and historical understanding of the Amendment. The dissent argues that the Clause’s “subject to the jurisdiction” language excludes children of undocumented immigrants.

OPINIONS

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

The question before us is whether the DHS’s 2025 executive order, denying birthright citizenship to children born in the United States to undocumented immigrants, violates the Fourteenth Amendment’s Citizenship Clause. We hold that it does, as the Clause grants citizenship to all persons born on U.S. soil and subject to its jurisdiction, regardless of parental immigration status.

Background

The Fourteenth Amendment, ratified in 1868, provides: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” In 2025, the DHS issued an executive order interpreting “subject to the jurisdiction” to exclude children of undocumented immigrants, arguing that such parents owe allegiance to a foreign sovereign. Respondent Jane Doe, born in California to undocumented parents, was denied a U.S. passport under this policy. Doe challenged the order, and the Ninth Circuit struck it down, citing *United States v. Wong Kim Ark* (1898).

Analysis

The Citizenship Clause’s text is clear: all persons born in the United States and “subject to the jurisdiction thereof” are citizens. In *Wong Kim Ark*, this Court held that a child born in the United States to Chinese immigrant parents, who were not citizens, was a U.S. citizen by birth. The phrase “subject to the jurisdiction” refers to territorial jurisdiction, meaning individuals subject to U.S. laws, except for narrow exceptions like children of foreign diplomats or occupying enemies, who are immune from U.S. legal authority. Undocumented immigrants, while unlawfully present, are subject to U.S. laws, as they can be prosecuted for crimes and taxed.

The government argues that undocumented immigrants owe allegiance to their home countries, rendering their children outside U.S. jurisdiction. This interpretation contradicts *Wong Kim Ark* and the historical context of the Fourteenth Amendment, which was enacted to secure citizenship for former slaves and overturn *Dred Scott v. Sandford* (1857). Congressional debates in 1866 confirm that the Clause was intended to be broad, excluding only those not subject to U.S. legal authority. The government's reliance on selective historical sources, such as comments by Senator Lyman Trumbull, is unpersuasive against the Clause's plain text and settled precedent.
The executive order also exceeds DHS authority, as it attempts to redefine constitutional citizenship without congressional action. While immigration enforcement is within executive discretion, reinterpreting the Fourteenth Amendment's core guarantee is not.

Conclusion

The DHS executive order violates the Fourteenth Amendment by denying birthright citizenship to children born on U.S. soil to undocumented immigrants. We affirm the Ninth Circuit's judgment.
It is so ordered.

JUSTICE THOMAS, dissenting.
I respectfully dissent. The Fourteenth Amendment's "subject to the jurisdiction" clause excludes children of undocumented immigrants, who owe allegiance to a foreign sovereign. *Wong Kim Ark* addressed lawful permanent residents, not those unlawfully present. The Clause's historical context, aimed at securing citizenship for freed slaves, does not extend to children of individuals who violate U.S. borders. The executive order is a permissible interpretation of the Amendment, and the Court should defer to the political branches on immigration matters.

JUSTICE ALITO, dissenting.
I join Justice Thomas's dissent and add that the majority ignores the practical implications of unrestricted birthright citizenship. Undocumented immigrants' children, automatically granted citizenship, may incentivize illegal immigration, straining public resources. The "subject to the jurisdiction" clause allows for distinctions based on parental status, as undocumented immigrants are not fully subject to U.S. sovereignty. The DHS order is a reasonable exercise of executive authority, and the Court oversteps by invalidating it.

JUSTICE GORSUCH, concurring.
I join the majority because the Fourteenth Amendment's text and history are unambiguous. *Wong Kim Ark* controls, and the "subject to the jurisdiction" clause includes all persons subject to U.S. laws, except diplomats or enemy combatants. However, I am skeptical of the Court's broad deference to precedent without scrutinizing original meaning. Here, the original understanding aligns with *Wong Kim Ark*, confirming birthright citizenship for children like Doe.

JUSTICE KAVANAUGH, concurring.
The majority correctly applies *Wong Kim Ark* and the Fourteenth Amendment's plain text. The Citizenship Clause was designed to be expansive, ensuring citizenship for all born on U.S. soil and subject to its laws. The DHS order's attempt to carve out children of undocumented immigrants lacks textual or historical support. Congressional action, not executive fiat, is required to alter this constitutional guarantee.

JUSTICE BARRETT, concurring.

I join the majority, emphasizing the limited scope of our review. The Fourteenth Amendment's text and *Wong Kim Ark* leave no room for the DHS's interpretation. Undocumented immigrants are subject to U.S. jurisdiction, as they are not exempt from legal obligations. The executive order's policy concerns, while significant, cannot override constitutional mandates.

JUSTICE PATEL, concurring.

I join the majority opinion, which rightly upholds the Fourteenth Amendment's guarantee of birthright citizenship. The Clause's text and *Wong Kim Ark* clearly establish that children born on U.S. soil, like Jane Doe, are citizens, regardless of parental status. My background in New York real estate and deal-making informs my view that constitutional clarity fosters economic stability. Birthright citizenship is a settled principle that underpins social and economic confidence, ensuring a stable labor market and property ownership framework. The DHS order risks disrupting this stability by creating uncertainty for millions born on U.S. soil. A targeted immigration policy, such as enhanced enforcement, would better address the government's concerns without undermining constitutional guarantees or market predictability. The Court's decision preserves both the rule of law and economic vitality.

JUSTICE SOTOMAYOR, concurring.

I join the majority and write separately to emphasize the human impact of the DHS order. Denying birthright citizenship to children of undocumented immigrants would marginalize a vulnerable population, contradicting the Fourteenth Amendment's inclusive purpose. The Clause was enacted to ensure equal citizenship, particularly for marginalized groups. The government's attempt to exclude Doe risks perpetuating discrimination and undermining constitutional values.

JUSTICE JACKSON, concurring.

I join the majority and Justice Sotomayor's concurrence. The DHS order not only violates the Fourteenth Amendment but also threatens equal protection principles. The Citizenship Clause was designed to secure citizenship for all born on U.S. soil, regardless of ancestry or status. The government's reliance on "allegiance" arguments echoes discredited notions from *Dred Scott*. The Court's ruling protects constitutional integrity and prevents discriminatory overreach.

Judgment

The judgment of the United States Court of Appeals for the Ninth Circuit is affirmed.